

ALLEGATION REGARDING PREVIOUS CONVICTIONS

The defendant, **DANIEL W. MILLER**, has the following prior final convictions under the laws of New York State relating to aggravated sexual abuse, sexual abuse or abusive sexual conduct involving a minor, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography:

(1) On or about July 22, 2015, the defendant was convicted in Schoharie County Court of three counts of Promoting an Obscene Sexual Performance by a child, in violation of New York State Penal Law Section 236.11, and was sentenced to 180 days in jail, to be followed by 10 years' probation.

(2) On or about May 24, 2017, the defendant was convicted in Schoharie County Court of Sexual Abuse in the First Degree, in violation of New York State Penal Law, Section 130.65(3), relating to the sexual abuse of a child under 11 years of age, and was sentenced to 10 years' probation.

These prior convictions affect the penalty provisions associated with Counts 1 and 2, pursuant to Title 18, United States Code, Section 2252A(b)(1).

FORFEITURE ALLEGATION

The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.

Pursuant to Title 18, United States Code, Section 2253, upon conviction of the charges alleged in Counts 1 through 2, the defendant, **DANIEL W. MILLER**, shall forfeit to the United States of America:

- a. Any visual depiction described in Title 18, United States Code, Sections 2251 and 2252A (incorporating the definition of child pornography in 18 U.S.C. §2256(8)), or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense, and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

The property subject to forfeiture includes, but is not limited to, the following:

- a. One (1) Samsung Galaxy Express 3 cell phone, IMEI 357073083458444, serial number R58J56K5NDH.

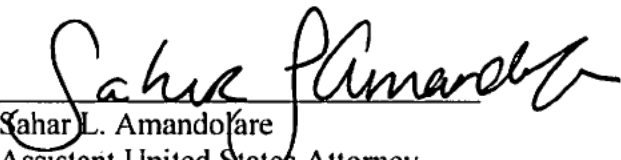
Dated: July 31, 2019

A TRUE BILL,


Grand Jury Foreperson

GRANT C. JAQUITH
United States Attorney

By:


Sahar L. Amandolare
Assistant United States Attorney
Bar Roll No. 520259